IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 33421 of 2007(D)

PETITIONER:

C.G.RADHAKRISHNAN, S/O GOPALAKAIMAL,
PRESENTLY WORKING AS ASSISTANT ENGINEER
(ELECTRICAL)GENERAL CIRCLE, KERALA STATE
ELECTRICITY BOARD, MOOLAMATTAM, IDUKKI DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

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1. **THE KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY ITS SECRETARY,
   VAIDHYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

2. **THE CHIEF ENGINEER(HRM),**
   KERALA STATE ELECTRICITY BOARD,
   VAIDHYUTHI BHAVAN, PATTOM,
   THIRUVANANTHAPURAM.

3. **VENUGOPALAN G.,**
   ASSISTANT ENGINEER(ELECTRICAL),
   TRANSMISSION CIRCLE, KERALA STATE ELECTRICITY
   BOARD, MALAPPURAM.

BY ADV. SRI.K.S.ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No.33421 of 2007

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Dated this the 14th day of December 2007

JUDGMENT

The challenge in the writ petition is against Ext.P8 which is an order passed by the Chief Engineer on a request for regularization made by certain Assistant Engineers who were originally promoted against the 10% quota available for in-service engineering graduate candidates. Petitioner also prays for a direction to the respondents to regularize his services.

2. In the statement filed by the respondents, it is contended that Ext.P8 was passed pursuant to a direction issued by this Court in Writ Petition No.22628/2003. The criterion followed was total length of service in the Board. It is noted therein that since the appointments were to be made against the vacancies as on 31.1.2005, only those candidates who had acquired the requisite qualification of engineering degree on or before the said date were eligible to be included therein.

3. Apparently a dispute was raised by some of the persons who were not included in the list that the date of publication of the result was not the date of acquisition of the qualification. There

were complaints by other persons to the effect that persons who were not qualified as on 31.1.2005 were nevertheless included therein. This is not in accordance with what has been laid down in Ext.P2 judgment. It is further stated in paragraph - 4 of the statement filed by the respondents as follows:

> "It is submitted that in order to examine the complaints, the person Sri. Venugopalan-respondent No.3, pointed out by the petitioner along with five others have been issued notices to furnish documents proving the actual date of publication of result. If it is found that the persons who have been issued notices are not qualified on or before 31.1.2005, they will be reverted by invoking Rule 37(A) of Part I KSR. If any persons are reverted, the next seniors will be appointed in the place of the persons thus reverted."

4. The aforementioned submission is recorded. In the circumstances where the respondents have stated that they are treating Ext.P8 only as provisional and are looking into complaints which have been raised against the same, I do not think it is necessary to consider the other contentions raised by the petitioners, at this stage.

5. The writ petition is disposed of directing the second respondent to complete the process of finalization of the list appended to Ext.P8 order applying the principles, as mentioned in paragraph-4 of the statement, within a period of three months from the date of receipt

of a copy of this judgment. Needless to say, affected persons shall be heard before such process is completed and regularization of the services of Assistant Engineers in the degree quota will be subject to the final list to be drawn up pursuant to the process as mentioned above. It is also directed that the petitioner's representation Ext.P7 should also be considered in the course of the finalization, as directed above.

V.GIRI, JUDGE

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